

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

F.G. CROSTHWAITE, *et al.*,

No. C-13-0740 EMC

Plaintiffs,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION RE PLAINTIFFS'
MOTION FOR DEFAULT JUDGMENT**

LML ENTERPRISES, INC., *et al.*,

Defendants.

(Docket Nos. 13, 21, 29)

Plaintiffs have moved for a default judgment. The Court has reviewed Magistrate Judge Corley's report and recommendation. No party has submitted an objection to the report and recommendation. The Court finds the report and recommendation correct, well reasoned, and thorough, and adopts it in every respect. The Court notes that, while "[a] default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings," Fed. R. Civ. P. 54(c), Plaintiffs' prayer for relief adequately put Defendants on notice of damages for unpaid contributions through the time of judgment.

Accordingly, the Court hereby **GRANTS** the motion for default judgment and awards Plaintiffs the following against Defendant LML Enterprises, Inc. only:

- (1) \$77,220.93 in unpaid contributions, liquidated damages, and interest;
- (2) \$4,082.50 in attorney's fees; and
- (3) \$752.50 in costs.


The Court declines to retain jurisdiction over the case as Plaintiffs have not requested an audit.

1 The Clerk of the Court shall enter judgment in accordance with this order and close the file
2 in this case.

3 This order disposes of Docket Nos. 13, 21 and 29.

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5 IT IS SO ORDERED.

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7 Dated: October 22, 2013

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10 EDWARD M. CHEN
11 United States District Judge
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